

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00463

Derik W. Harris,
Plaintiff,

v.

Gregg County Sheriff's Department et al.,
Defendants.

ORDER

On December 1, 2021, plaintiff Derik W. Harris, proceeding pro se and *in forma pauperis*, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. Doc. 1. The case was referred to United States Magistrate Judge John D. Love, pursuant to 28 U.S.C. § 636(b). Doc. 3.

On April 1, 2022, the magistrate judge entered a report recommending that plaintiff's case be dismissed with prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b)(1) and as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(b). Doc. 14.

Plaintiff filed objections to the report. Doc. 15. The court reviews the objected-to portions of a magistrate judge's report and recommendation de novo. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The report recommended dismissal of the Gregg County Sheriff's Department because it is a non-jural entity. The report further recommended dismissal of plaintiff's claim against Sgt. Whitehead as plaintiff failed to allege facts demonstrating the sergeant's personal involvement in a constitutional violation. Plaintiff's objections to the report do not identify a cause of action or show that his pleadings allege facts showing a legal basis for relief.

Having reviewed the magistrate judge's report de novo, and being satisfied that it contains no error, the court overrules plaintiff's objection and accepts its findings and recommendation. Doc. 14. Plaintiff's claims are dismissed with prejudice for failure to state a

claim and as frivolous pursuant to 28 U.S.C. § 1915A(b)(1) and § 1915(e)(2)(b).

So ordered by the court on April 28, 2022.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge